

Oman Trafficking in Persons 2009 Country Report Tier 2

Oman is a transit and destination country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, most of whom migrate willingly to Oman as domestic servants or low-skilled workers in the country's construction, agriculture, and service sectors. Some of them subsequently face conditions indicative of involuntary servitude, such as withholding of passports and other restrictions on movement, non-payment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Unscrupulous labor recruitment agencies and their sub-agents at the community level in South Asia and the United Arab Emirates (UAE) may coerce or defraud workers into accepting work in Oman that turns out to be exploitative and, in some instances, constitutes involuntary servitude. Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, and South Asia who may be trafficked for commercial sexual exploitation. Male Pakistani laborers, as well as others from India, Bangladesh, Sri Lanka, and East Asia, transit Oman en route to the UAE; some of these migrant workers are exploited in situations of forced labor upon reaching their destination.

The Government of Oman does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's enactment of anti-trafficking legislation and completion of its first prosecution under these provisions demonstrated increased commitment to combating trafficking during the reporting period. The government, however, continued to lack systematic procedures to identify trafficking victims among women in prostitution and illegal migrants, comprehensive victim protection services, and programming to raise general public awareness of all forms of human trafficking.

Recommendations for Oman: Increase investigations and prosecutions of trafficking crimes and convictions and punishment of trafficking offenders; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; institute formal procedures for identifying trafficking victims among women in prostitution and illegal migrants and transferring them to care facilities; complete construction and begin

operation of a shelter that provides appropriate protection services to both labor and sex trafficking victims, including shelter and medical, psychological, and legal assistance; and enact and enforce penalties for employers who withhold their employees, passports as a measure to prevent labor trafficking.

PROSECUTION

The government's anti-trafficking law enforcement efforts increased during the reporting period, evidenced by its passage of a comprehensive human trafficking statute and prosecution of its first specific trafficking case. In November 2008, the government enacted Royal Decree No. 126/2008, the Law Combating Human Trafficking, which prohibits all forms of trafficking and prescribes punishments of three to 15 years, imprisonment, in addition to financial penalties. These punishments are sufficiently stringent and commensurate with penalties prescribed for other grave crimes. The law became effective in early December 2008, after publication in the official gazette. Articles 260 and 261 of the penal code prohibit slavery and prescribe penalties of three to 15 years, imprisonment. Article 220 prohibits coerced prostitution and prescribes penalties of three to five years, imprisonment. A legally enforceable circular prohibits employers' withholding of migrant workers' passports, which often contributes to forced labor; the circular, however, does not specify penalties for noncompliance, and this trafficking-related practice continues to be widespread. In March 2009, the government charged 13 male suspects, of whom 11 were convicted (five Omanis and six expatriates) with bringing 13 foreign women into Oman as their wives and then transiting them to another Gulf country to engage in prostitution. This is the first trafficking case investigated and prosecuted under the recently enacted anti-trafficking law. The case concluded in May 2009, with the conviction and sentencing of 11 defendants to seven years, imprisonment and a fine of \$26,000; two defendants were acquitted for lack of evidence. The government confiscated the Omani defendants' commercial establishments and forbade them from sponsoring additional expatriate workers.

PROTECTION

The government made efforts to improve protection services for victims of trafficking during the reporting period. The government did not provide shelter services, counseling, or legal aid to trafficking victims in 2008. Beginning in March 2009, however, the government provided 13 female victims shelter at a Royal Oman Police “accommodation center.” In December 2008, the Ministry of Manpower instituted a mechanism for identifying trafficking victims among migrant workers employed by private companies that involved reviewing bank statements, employment contracts, and salary slips, and speaking privately with randomly selected workers at each site. The government, however, lacked systematic procedures to identify victims of trafficking among other vulnerable groups, such as migrants detained for immigration violations and women arrested for prostitution, or to refer victims for assistance; there are limited NGO-run facilities for trafficking victims in Oman. The government advocates a policy of encouraging victims to participate in the investigation and prosecution of their traffickers. The government’s new human trafficking statute enables the Public Prosecution or court to permit a victim to remain in Oman if an investigation or trial finds cause. Trafficking victims who have fled abusive employers without obtaining new employment sponsorship are allowed to remain in country one month in order to locate a new sponsor.

PREVENTION

The Omani government made efforts to prevent trafficking of migrant laborers during the reporting period, such as the launch of a public campaign to educate workers, employers, and the general public on laws and potential abuses, but did not take measures to raise awareness of sex trafficking or educate the general population about the nature of human trafficking as both a local and global phenomenon. In April 2009, the government’s National Committee for Combating Trafficking in Persons convened its first meeting. To strengthen enforcement of labor laws that prohibit certain acts related to human trafficking, the government hired 94 additional male and female labor inspectors in September 2008, bringing the total to 160. The government funded the travel of ILO trainers to Oman, as well as provided venues for ILO-conducted anti-trafficking training of the labor inspectorate and other Ministry of Manpower officials. In November 2008, the government signed a memorandum of understanding with the Government of India strengthening cooperation in regard to the employment of Indian workers

in Oman; the memorandum commits the countries to share information regarding illegal recruitment and trafficking of Indian workers. During the reporting period, Ministry of Manpower officials conducted seminars on workers' rights throughout the country for workers employed by private companies. The ministry also distributed 180,000 brochures in 11 languages highlighting the rights and services to which workers are legally entitled to source country embassies and to new migrant laborers at airports, recruitment agencies, and in their places of work. The government also launched a broad public campaign on labor issues, which included weekly television and radio spots, the placement of articles weekly in government-owned newspapers, and presentations by government officials at schools, colleges, chambers of commerce, and women's associations in all major towns. The government did not take any known measures during the reporting period to reduce the demand for commercial sex acts.